

## **NATIONAL DAMS POLICY AS AN ENVIRONMENTAL DAMAGE PREVENTION INSTRUMENT**

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**RESUMO:** This study analyzes the effectiveness of preventive legal instruments of the Brazilian's dams' legislation. Mining industrial activity is based on mineral extraction of natural substances, which serve as industrial raw materials. In this process, the non-economic-value residual is discarded through the dam system, which allows the solidification of deposited waste, as well as the drainage and reuse of water accumulated in upper parts of the dam, an upstream lift technique. In recent years, Brazil has increased the number of accidents involving the disruption of dams. The study is justified due to the high cost of socioeconomic and socioenvironmental repair of impacted areas, whereas extraction of minerals is classified as potentially polluting by Annex VIII of Law nº 6.938/1981, National Environmental Policy. The 2019's Brumadinho's dam rupture damaged 133.27 hectares of native Atlantic Forest vegetation and 70.65 hectares of Permanent Preservation Areas according to IBAMA's analysis, thus based on environmental principles of precaution, prevention and repair. To prevent these situations, it's necessary to compel companies to take effective measures to manage risk. Consequently, the study problem is related to the law provisions nº 12.334/2010, National Policy on Dams Safety, which aims to standardize the monitoring, supervision and dam's safety, as well as foster safety culture and risk management through legal instruments, such as: Classification System, Report and Security Plan, Federal Technical Register of Activities and Risk Management Program based on NR 22. The main problem is that documents are not public, and, because of that, it is necessary implement norms that increase transparency in private companies. To approach these situations, we used a qualitative methodology to analyze judicial processes involving the Fundão and Córrego do Feijão dams, in order to verify the structure and others adversities that could caused the accident. We hypothesize that the accident could be avoid if the risk management were used. The result expected is a demonstration that the monitoring of structures weren't adequate. On the other hand, the risk management instruments listed in the National Dams Safety Policy were efficient. To conclude, the partial result demonstrated that internal audit is an effective preventive-anticipatory measure, because when it was used by Vale S.A., the company found problems in three other waste dams in Minas Gerais, and because of that evacuated of projected auto salvage area.

**PALAVRAS-CHAVE:** DAMS; SUSTAINABILITY; NATIONAL DAMS SECURITY POLICY; PRECAUTION; RISK MANAGEMENT.